

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

IN RE:

CASE NO.: 15-75144-ast

Glenn E. Werner and Annette C. Werner

Chapter 7

DEBTORS.

-----X

**ORDER GRANTING CONDITIONAL RELIEF
FROM THE AUTOMATIC STAY**

On June 23, 2016, the Motion (the “Motion”) of Federal National Mortgage Association (“Fannie Mae”), creditor c/o Seterus, Inc. (“Movant”), dated April 28, 2016, came before the Court, for relief from the automatic stay with respect to the collateral known as 2 Hunter Lane, Centereach, NY 11720-2520 (the “Collateral”). This Court, having considered the evidence presented and with good cause appearing therefore, it is hereby

ORDERED, that the automatic stay in effect pursuant to 11 U.S.C. § 362(a), shall remain in effect with respect to the Collateral as to Movant, its agents, assigns or successors in interest, subject to the conditions set forth herein; and it is further

ORDERED, that on or before January 15, 2017, the Debtors shall pay Movant all post-petition arrears on their mortgage; such payments to include principal, interest, late charges, escrow advances and reasonable attorney fees and costs in the amount of \$876.00 for a total sum of \$6,596.87; such sum shall be good through June 30, 2016 and said arrears are broken down as follows:

3 Late Payments (4/2016-6/2016) at \$2,264.74 each	= \$6,794.22
Reasonable attorney fees	= \$700.00
Reasonable attorney costs	= \$176.00
Suspense	= (\$1,073.35)
Total	= \$6,596.87,

and said arrears are to be paid as follows:

AMOUNT	DUE BY
\$1,099.48	August 15, 2016
\$1,099.48	September 15, 2016
\$1,099.48	October 15, 2016
\$1,099.48	November 15, 2016
\$1,099.48	December 15, 2016
\$1,099.47	January 15, 2017

and said payments shall be in the form of certified funds and mailed to:

Seterus, Inc.
P.O. Box 11790
Newark, NJ 07101-4790

and it is further,

ORDERED, that the Debtors shall make timely regular monthly payments to Movant at the address listed above by the 1st day of each and every month, commencing with the July 1, 2016 payment, and it is further

ORDERED, that pursuant to 11 U.S.C. § 362(d), in the event Debtors (i) fail to timely pay any part of the adequate protection payments in accordance with the above decretal paragraphs, and (ii) fail to cure such default within ten (10) days written notice to Debtors' counsel by e-mail, the automatic stay will be terminated by an Order entered without a hearing, ten (10) days after an affirmation of non-compliance is filed with the Court and served upon the Debtors and Debtors' counsel, provided that no challenge to Movant's affirmation of non-compliance is timely made and filed in accordance with this Order, whereupon Movant may take any and all action under applicable state law to exercise its remedies against the Collateral; and it is further

ORDERED, that if Debtors have received two notices of default, then, in the event of a third default, the stay will be terminated by an Order entered ten (10) days after an affirmation of

non-compliance is filed with the Court and served upon the Debtors and Debtors' counsel, provided that no challenge to Movant's affirmation of non-compliance is timely made and filed in accordance with this Order; and it is further

ORDERED, that a proposed Order lifting the stay shall be submitted to the Court via electronic upload at the time an affirmation of non-compliance is filed; and it is further

ORDERED, that for any affirmation of non-compliance served by mail to any party, **three** **(3) days** additional notice is required under E.D.N.Y. LBR 9006-1(c) before the automatic stay terminates; and it is further

ORDERED, that any challenge to an affirmation of non-compliance shall be brought by counter-affidavit and must be filed with the Court and served on Movant's counsel within **seven** **(7) days** after the date of service of the affidavit of non-compliance. Any such challenge shall be limited to the defense that the payment(s) have, in fact, been timely paid and have not been properly credited. The counter-affidavit shall be accompanied by evidence of such payment(s). If a counter-affidavit is timely served and filed, the stay shall remain in effect pending a hearing which the Court may schedule on an expedited basis or further order of the Court.

Dated: July 5, 2016
Central Islip, New York




Alan S. Trust
United States Bankruptcy Judge